THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. Nos. 20391 of 2007

And

W.P. Nos. 20392 of 2007

Date:08-10-2007

W.P. Nos. 20391 of 2007

Between:

A.Vinay Kumar Reddy

.. PETITIONER

AND

The Tahsildar/M.R.O.,Uppal madnal and two others

..

RESPONDENTS

W.P. Nos. 20392 of 2007

Between:

A.Vikram Reddy

.. PETITIONER

AND

The Tahsildar/M.R.O.,Uppal madnal and two others

..

RESPONDENTS

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COMMON ORDER:

The petitioners herein seek a writ of mandamus to declare the action of the respondents in highhandedly demolishing the sheds bearing Municipal Nos.12-1-517, 12-1-518 and 12-1-519 and other structures in the land admeasuring about 2500 square yards in Sy.No.42 of Bandlaguda village, Uppal mandal, Ranga Reddy District and dispossessing them from the said land, as illegal and arbitrary and consequently to direct the respondents not to demolish or dispossess the petitioners from the said property.

It is stated in the writ petitions that the sheds are situated in Sy.No.42, but whereas in the writ affidavit it is stated that the said sheds are situated in Sy.No.43 and the respondents are taking steps to dispossess them without following due process of law.

The learned Government Pleader appearing for the petitioners placed proceedings No.B/5937/1998, dated 12.09.2007 stating that a notice under Section 7 of the A.P. Land Encroachment Act, III of 1905 has been issued pursuant to the writ petitions filed by the petitioners earlier and in response to the said notice, the petitioner-A.Vikram Reddy along with six others submitted their reply/explanations.

A perusal of the Proceedings No.B/5937/1998, dated 12.09.2007 of the Tahsildar, Uppal mandal goes to show that notice No.B/5937/98, dated 26.02.2005 has been issued and their counsel has appeared before the first respondent and after considering the

contentions, resumption orders have been passed. Therefore, it is incorrect to state that the respondents are taking steps to dispossess the petitioners without following due process of law. The petitioners have suppressed the filing of earlier writ petitions and issuance of the notices and pendency of the proceedings under the A.P. Land Encroachment Act. However, the first respondent has passed final orders. Hence, the writ petitions are not maintainable and they are liable to be dismissed with costs.

Accordingly, both the writ petitions are dismissed with costs.

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V.ESWARAIAH, J.

Date:08.10.2007.
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